

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLYDE MCKNIGHT, a/k/a "Pizza,"  
and PATRICK TABLES, a/k/a "Break  
Bread,"

Defendants.

CR18-16 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) The motion to compel, docket no. 149, brought jointly by defendants Clyde McKnight and Patrick Tables, is GRANTED in part and DEFERRED in part, as follows. The Government is DIRECTED to produce to defense counsel, within seven (7) days of the date of this Minute Order, a redacted version of the cooperation agreement between the Seattle Police Department ("SPD") and confidential source number 1 ("CS-1"). The identity of, and any details that might identify, CS-1, as well as the identities of SPD or other law enforcement personnel, and any details that might identify them, shall be redacted from the cooperation agreement before it is disclosed to defense counsel. A copy of the redacted cooperation agreement shall be filed under seal. Defense counsel shall not share the redacted cooperation agreement with their clients until further order of the Court. The motion to compel is otherwise deferred, and the Court will hear oral argument on the motion on February 20, 2019, in conjunction with the Franks hearing scheduled to begin at 9:00 a.m. Defense counsel are reminded that, in a Franks hearing,

1 the only impeachment permitted is of the affiant, and “not of any nongovernmental  
informant.” *Franks v. Delaware*, 438 U.S. 154, 171 (1978); *United States v. DiCesare*,  
2 765 F.2d 890, 895 (9th Cir. 1985); *see also United States v. Perdomo*, 800 F.2d 916, 921  
3 (9th Cir. 1986) (“Allegations that statements reported in the affidavit and made to the  
affiant are false are not sufficient to satisfy the requirements for a *Franks* hearing unless  
4 the defendant contends that the affiant has misrepresented the statements made by  
another.”). Unless defendants can make a better showing with regard to the requested  
disclosures about CS-1, defendants’ motion to compel will be otherwise denied.

5 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of  
6 record.

7 Dated this 28th day of January, 2019.

8 William M. McCool  
Clerk

9  
10 s/Karen Dews  
Deputy Clerk